REMARKS

Claims 1-20 are pending in the application. Claims 21-38 have been cancelled as directed to a non-elected invention. No amendments have been made to the pending claims.

Claim of Foreign Priority

In paragraph 1 of the Office Action, the Examiner acknowledged applicants' claim of foreign priority and noted that a certified copy of the German application has not been received. A certified copy of this priority application will be filed at a later date.

Restriction Requirement

Applicants affirm the election of Group I, claims 1 to 20, and the species election of GVHD. However, if claim 1 is found to be allowable, applicants are entitled to a reasonable number of species, including the species recited in claims 2 and 3.

35 U.S.C. § 102(b)

Claims 1, 2, 4, and 12 have been rejected as allegedly anticipated by Hattori et al. (1998) Blood 91:4051-4055 ("Hattori"). In particular, paragraph 9 of the Office Action on page 3 states that Hattori "teaches a method of treating a subject having GVHD, using a composition comprising antibodies to Fas ligand. (see page 4051, col. 2 and page 4052, col. 2). Therefore, the reference teachings anticipate the claimed invention." Applicants respectfully disagree for the following reasons.

Fas (also known as CD95 and APO-1) is a cell surface receptor that transmits an apoptotic signal upon binding to its ligand, Fas ligand (known as "FasL"). FasL binding to Fas, and the subsequent induction of apoptosis, are important steps in the development of several disorders, e.g., graft-versus-host disease (GVHD). It appears that the Office Action may have mistaken FasL (the ligand) for Fas (the receptor).

Independent claim 1 is directed to a method of treating a subject having a disorder associated with increased extracellular Fas ligand titers by administering to the subject **anti-Fas antibodies** in an amount effective to inhibit the binding of **FasL** to Fas (the receptor) in the

subject. Because the anti-Fas antibodies inhibit the binding of FasL to Fas, the antibodies can reduce or prevent apoptotic cell death that would otherwise occur upon the binding of Fas to FasL.

Hattori does not describe using anti-Fas antibodies to treat a disorder. Rather, Hattori describes the use of anti-FasL (Fas ligand) antibodies in a murine model of GVHD. These antibodies do not bind to the Fas receptor. As the Examiner explains in describing the cited reference, Hattori uses "a composition comprising antibodies to Fas ligand" (emphasis added). In comparing the claimed invention to the prior art, the Examiner may have mistaken the difference in terminology between Fas (the receptor and target for the antibodies of the pending claims) and FasL (the ligand and target for the antibodies described by Hattori). Because Hattori does not describe the use of anti-Fas antibodies to treat a disorder, applicants request that the Examiner withdraw the rejections of claims 1, 2, 4, and 12.

35 U.S.C. § 103(a)

Claims 1 and 5-20 have been rejected as allegedly obvious in view of Hattori. Applicants respectfully submit that Hattori neither describes nor suggests using anti-Fas antibodies to treat a disorder. As detailed above, Hattori discloses the use of anti-Fas**L** antibodies (not anti-Fas antibodies) in a murine model of GVHD. However, nothing in Hattori suggests using anti-Fas antibodies to treat GVHD or any other disorder. In fact, the Examiner does not even allege that Hattori suggests using anti-Fas antibodies to treat a disorder. As described above with respect to the section 102(b) rejection, it appears that the Examiner may have inadvertently interchanged the terms used to identify the receptor (Fas) and its ligand (FasL). In light of these comments, applicants request that the Examiner withdraw the rejections of claims 1 and 5-20 under Section 103.

CONCLUSIONS

Applicants submit that all grounds for rejection have been overcome, and that all claims are now in condition for allowance, which action is requested.

Attached is a marked-up version of the changes being made by the current amendments. The attached page is captioned "Version with Markings to Show Changes Made." Please apply

any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 11141-003001.

Respectfully submitted,

Date: August 29, 2001

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Version with Markings to Show Changes Made

In the claims:

Claim 21-38 have been cancelled.